

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 284**

Introduced by Jones, 43

Read first time January 11, 1999

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-1233, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to explosives; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-1233, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           28-1233. (1) Every holder of any permit required under  
4 sections 28-1213 to 28-1239 shall maintain an accurate inventory of  
5 all explosives in his or her possession and maintain records of  
6 transfers to other persons of explosive materials. Such records  
7 shall include a statement of intended use by the transferee and the  
8 name, date of birth, place of birth, social security number or  
9 taxpayer identification number, and place of residence of any  
10 natural person to whom the explosives are transferred. If the  
11 explosive materials are transferred to a corporation or other  
12 business entity, such records shall include the identity and  
13 principal and local places of business and the name, date of birth,  
14 place of birth, and place of residence of the natural person acting  
15 as the agent of the corporation or other business entity in  
16 arranging the transfer. In the case of a federal licensee or  
17 permittee who is also a permitholder under the terms of sections  
18 28-1213 to 28-1239, the maintenance of one set of records for the  
19 fulfilling of the record-keeping requirements of 18 U.S.C. chapter  
20 40 shall be deemed compliance with the record-keeping requirements  
21 of sections 28-1213 to 28-1239.

22           (2) Every holder of any storage or business enterprise  
23 permit required under sections 28-1213 to 28-1239 shall maintain a  
24 log describing the time, place, amount, and type of explosive used  
25 in any blasting operations performed by him or her or at his or her  
26 direction.

27           (3) Every holder of any storage, purchase, or use permit  
28 required under sections 28-1213 to 28-1239 shall notify the fire

1 protection district in which any explosive over one pound in weight  
2 is to be used or stored twenty-four hours prior to such use or  
3 storage, and the holder shall keep a written record in the log  
4 describing the time the notice was given, office in the district to  
5 which the notice was given, and name of the person in the district  
6 notified. The fire protection district may waive the  
7 twenty-four-hour notice when the public safety requires such waiver  
8 to prevent loss of life or property if such notice is given prior  
9 to use or storage. The fire protection district may accept a  
10 single notification of ongoing use within a set timeframe not to  
11 exceed sixty days. Any holder of a storage, purchase, or use  
12 permit who fails to notify the fire protection district pursuant to  
13 this subsection ~~shall be~~ is guilty of a Class II misdemeanor.

14 Sec. 2. Original section 28-1233, Reissue Revised  
15 Statutes of Nebraska, is repealed.